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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,413	03/17/2004	Shunji Akashi	021964/337036	5562
826	7590	01/17/2008	EXAMINER	
ALSTON & BIRD LLP			ABRAHAM, TANIA	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,413	Applicant(s) AKASHI ET AL.	
	Examiner Tania Abraham	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-18 is/are pending in the application.
 4a) Of the above claim(s) 5-7,9-11,13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,8,12 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Claims 5-7, 9-11, 13 and 14 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Previously withdrawn claims 20 and 21 have been canceled.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 4, 8 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Terada. Terada shows a fastener 10 comprising first and second stringer tapes T, each with a row of coupling elements E mounted thereon, such that when the fastener is closed, said stringer tapes are connected to each other by means of said coupling elements; each row of coupling elements comprising a first area 10a and a second area 10b where the coupling elements on the first and second tapes are engaged when the fastener is closed; and holding means 12 provided in a gap 15 between said first and second areas for holding said tapes T together at a predetermined position intermediate said first and second areas, the holding means having said first area 10a and second area 10b of the coupling elements formed on its opposed sides, the holding means 12 being released when a force greater than a predetermined value exerted by an impact

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of an airbag when the airbag is inflated is applied to the holding means, to allow or cause the coupling elements E within the first and second areas to disengage.

4. For claim 8, said holding means 12 comprises a link that connects the stringer tapes when the fastener is closed. Concerning claim 12, said link 12 comprises a frangible element which is breakable, by applying water, to disengage the link.

5. Claims 4, 8, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Takamatsu. Takamatsu shows structure as claimed: a fastener comprising first and second stringer tapes 10, each with a row of coupling elements 11 mounted thereon, such that when the fastener is closed, said stringer tapes are connected to each other by means of said coupling elements; each row of coupling elements 11 comprising a first area B and a second area C, shown best in fig. 1, where the coupling elements on the first and second tapes are engaged when the fastener is closed; and holding means 11b-e (in fig. 6B-E) provided in a gap (shown in figures 1-5B) between said first and second areas for holding said tapes together at a predetermined position intermediate said first and second areas, the holding means having said first area B and second area C of the coupling elements 11 formed on its opposed sides, the holding means 11b being released when a force greater than a predetermined value exerted by an impact of an airbag when the airbag is inflated is applied to the holding means, to allow or cause the coupling elements 11 within the first and second areas to disengage (col. 4: 3-8).

6. For claim 8, said holding means 11b-e comprises a link which connects the stringer tapes when the fastener is closed. For claim 15, the force required to release or displace the holding means is less than 400 N, said force being finger pressure applied to an area of the fastener adjacent to the holding means, in a direction substantially perpendicular to the surface of the stringer tape adjacent to the holding means.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 4 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauer (WO 0035719) in view of Takamatsu. Hauer shows a fastener 30 comprising first and second stringer tapes 38, each with a row of coupling elements 32, 34 mounted thereon, such that when the fastener is closed, said stringer tapes are

connected to each other by means of said coupling elements; wherein each row of coupling elements 32 comprises a first area and a second area where the coupling elements on the first and second tapes are engaged when the fastener is closed.

Hauer teaches using a slider (not shown) to close the fastener and then removing the slider, leaving the area at the row ends unconnected and releasable when a force greater than a predetermined value exerted by an impact of an airbag when the airbag is inflated is applied. Hauer does not show or suggest holding means for holding said tapes together at a predetermined position intermediate said first and second areas.

Takamatsu shows: a fastener comprising first and second stringer tapes 10, each with a row of coupling elements 11 mounted thereon, such that when the fastener is closed, said stringer tapes are connected to each other by means of said coupling elements; each row of coupling elements 11 comprising a first area B and a second area C, shown best in fig. 1, where the coupling elements on the first and second tapes are engaged when the fastener is closed; and holding means 11b-e (in fig. 6B-E) provided in a gap (shown in figures 1-5B) between said first and second areas for holding said tapes together at a predetermined position intermediate said first and second areas, the holding means having said first area B and second area C of the coupling elements 11 formed on its opposed sides, the holding means 11b being released when a force greater than a predetermined value is applied to the holding means, to allow or cause the coupling elements within the first and second areas to disengage. Takamatsu teaches having the holding means at an intermediary point for emergency opening of the fastener without using the slider. Takamatsu's fastener also allows for normal use

without accidental opening of fastener. It would have been obvious to a person skilled in the art at the time of invention to modify Hauer's fastener with Takamatsu's fastener, as taught by Takamatsu, in order to provide a fastener with an emergency opening that will not accidentally open during normal use, and does not require removal of its' slider.

10. Regarding claim 16, while Hauer does not explicitly disclose the specific force applied by the deploying airbag, it is obvious that the deploying airbag would possess the force required to release the holding means, said force being applied to an area of the fastener adjacent to the holding means, in a direction substantially perpendicular to the plane of the stringer tape adjacent to the holding means. Regarding claim 17, the fastener 11b closes an airbag cover. For claim 18, said fastener 11b is attached to said cover at an opening 44 to close said opening.

Response to Arguments

11. Applicant's arguments filed October 25, 2007 have been fully considered but they are not persuasive.

12. In response to applicant's argument that the Terada reference does not anticipate the structure of claim 4 as it pertains to the impact of an airbag, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the

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intended use (i.e., releasing under the force of an impact of a deploying airbag), then it meets the claim.

13. In response to applicant's argument that the Takamatsu reference does not have a holding means provided in a gap, Takamatsu shows various holding means 11b-e (fig. 6B-E) provided in the gap shown in figures 5A, B.

14. In response to applicant's argument that the Takamatsu reference does not anticipate the structure of claim 4 as it pertains to the impact of an airbag, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use (i.e., releasing under the force of an impact of a deploying airbag), then it meets the claim.

15. In response to applicant's argument that Takamatsu's holding means may be inclined to accidentally open during normal use of the fastener, Takamatsu notes in column 1:39-43 that the fastener's holding means will not open accidentally under normal use.

16. In response to applicant's argument that Hauer and Takamatsu do not show structure claimed in claims 4 and 16-19 as it pertains to the holding means recited in claim 4, please refer to the previous responses regarding the Takamatsu reference.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania Abraham whose telephone number is 571-272-2635. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tania Abraham
January 15, 2007



DAVID DUNN
SUPERVISORY PATENT EXAMINER